

it had no objections to the approval of Oklahoma's proposed regulations (administrative record No. OK-963.07).

**4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)**

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. OK-963.02). Neither SHPO nor ACHP responded to OSM's request.

**V. Director's Decision**

Based on the above findings, the Director approves Oklahoma's proposed amendment as submitted on September 14, 1994, and as revised on December 20, 1994.

The Director approves, as discussed in: Finding No. 1, concerning Oklahoma's proposed recodification of its coal mining rules; finding No. 2, OAC 460:20-49-5(a)(1), 460:20-49-6, and 460:20-49-7(5), concerning soil removal, stockpiling, and replacement requirements for prime farmland; finding No. 3, OAC 460:20-27-20(b), 460:20-31-17(b), 460:20-43-53(1), and 460:20-45-53(1), concerning primary road certification requirements for road systems and transportation facilities; finding No. 4, OAC 460:20-43-12(b)(3) and 460:20-45-12(b)(3), concerning certification of construction of siltation structures by qualified, registered professional engineers and land surveyors; finding No. 5, OAC 460:20-43-12(f)(8), concerning sedimentation pond storage volume; finding No. 6, OAC 460:20-43-47 and -48, concerning subsidence control and public notice; and finding No. 7, OAC 460:20-45-28, concerning protection of underground mining.

The Director approves the rules as proposed by Oklahoma with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 936, codifying decisions concerning the Oklahoma program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. Procedural Determinations**

**1. Executive Order 12866**

This rule is exempted from review by the Office of Management and Budget

(OMB) under Executive Order 12866 (Regulatory Planning and Review).

**2. Executive Order 12778**

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

**3. National Environmental Policy Act**

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

**4. Paperwork Reduction Act**

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

**5. Regulatory Flexibility Act**

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic

impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

**List of Subjects in 30 CFR Part 936**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 25, 1995.

**Charles E. Sandberg,**

*Acting Assistant Director, Western Support Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 936—OKLAHOMA**

1. The authority citation for Part 936 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended by adding paragraph (p) to read as follows:

**§ 936.15 Approval of amendments to the Oklahoma regulatory program.**

\* \* \* \* \*

(p) Recodification of Oklahoma's rules and revisions to the following provisions of Oklahoma's recodified rules, as submitted to OSM on September 14, 1994, and as revised on December 20, 1994, are approved effective March 29, 1995:

OAC 460:20-43-12(b)(3) and 460:20-45-12(b)(3), certification of construction of siltation structures by qualified, registered professional engineers and land surveyors;

OAC 460: 20-43-12(f)(8), sedimentation pond storage volume;

OAC 460: 20-43-47 and 48, subsidence control for surface mining activities;

OAC 460: 20-43-53(1) and 460:20-45-53(1), primary road certification requirements for road systems and transportation facilities;

OAC 460: 20-45-28, protection of underground mining; and

OAC 460: 20-49-5(a)(1), 460: 20-49-6, and 460:20-49-7(5), soil removal, soil stockpiling, and soil replacement requirements for prime farmland.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 185 and 186**

[FAP 3H5673, 4H5695, 4H5696/R2119; FRL-4942-9]

RIN 2070-AB78

**Food and Feed Additive Regulations for d-Limonene, Dihydro-5-Pentyl-2(3H)-Furanone, and Dihydro-5-Heptyl-2(3H)-Furanone**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This document establishes food/feed additive regulations for residues of the insecticides d-limonene, dihydro-5-pentyl-2(3H)-furanone, and dihydro-5-heptyl-2(3H)-furanone when used as active ingredients in insect-repellent tablecloths and in insect-repellent strips used in food/feed handling establishments. Rod Products Co. requested these regulations.

**EFFECTIVE DATE:** These regulations become effective March 29, 1995.

**ADDRESSES:** Written objections, identified by the document control number, [FAP 3H5673, 4H5695, 4H5696/R2119], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

**FOR FURTHER INFORMATION CONTACT:** By mail: Robert A. Forrest, Product Manager (PM) 14, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 219, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6600; e-mail: Forrest.Robert@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 8, 1995 (60 FR 7511), EPA issued a proposed rule

that gave notice that Rod Products Co., 4600 Glencoe Ave., No. 4, Marina del Rey, CA 90292-6363, had submitted to EPA food/feed additive petitions (FAPs) 3H5673, 4H5695, and 4H5696, which requested that the Administrator, pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348, amend 40 CFR parts 185 and 186 by establishing regulations for residues for d-limonene, dihydro-5-pentyl-2(3H)-furanone, and dihydro-5-heptyl-2(3H)-furanone when used as active ingredients in insecticide-repellent tablecloths used in food/feed-handling establishments. The registrant subsequently requested the addition of insect repellent strips used in food/feed handling establishments.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted on the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by these regulations may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

**List of Subjects in 40 CFR Parts 185 and 186**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 22, 1995.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

Therefore, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

**PART 185—[AMENDED]**

1. In part 185:

a. The authority citation for part 185 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 348.

b. By adding new §§ 185.1975, 185.1985, and 185.3775, to read as follows:

**§ 185.1975 Dihydro-5-heptyl-2(3H)-furanone.**

The food additive dihydro-5-heptyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-pentyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 185.1985 Dihydro-5-pentyl-2(3H)-furanone.**

The food additive dihydro-5-pentyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 185.3775 d-Limonene.**

The food additive d-limonene may be safely used in accordance with the following conditions:

(a) It is used with the active ingredients dihydro-5-pentyl-2(3H)-furanone and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**PART 186—[AMENDED]**

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

**Authority:** 21 U.S.C. 348.

b. By adding new §§ 186.1975, 186.1985, and 186.3775, to read as follows:

**§ 186.1975 Dihydro-5-heptyl-2(3H)-furanone.**

The feed additive dihydro-5-heptyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-pentyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 186.1985 Dihydro-5-pentyl-2(3H)-furanone.**

The feed additive dihydro-5-pentyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 186.3775 d-Limonene.**

The feed additive d-limonene may be safely used in accordance with the following conditions:

(a) It is used with the active ingredients dihydro-5-pentyl-2(3H)-furanone and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

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**40 CFR Part 300**

[FRL-5180-4]

**Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); CERCLIS Definition Change**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Amendment to change definition.

**SUMMARY:** The Environmental Protection Agency (EPA) is adopting new procedures for maintaining its Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). CERCLIS is the data base and data management system EPA uses to track activities at sites considered for cleanup under the Comprehensive Environmental Response and Liability Act (CERCLA) (also known as Superfund).

Today's document announces the decision to remove from CERCLIS those sites that EPA has decided do not warrant further evaluation under Superfund. We specifically include sites that the Agency has given a designation of "No Further Response Action Planned" (NFRAP), to eliminate any possible disincentive to purchase, improve, redevelop, and revitalize sites, related to inclusion on CERCLIS.

**EFFECTIVE DATE:** This rule is effective March 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael Cullen, Office of Program Management, Office of Emergency and Remedial Response (5201G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, phone (800) 424-9346, or (703) 412-9810 in the Washington DC, metropolitan area.

**SUPPLEMENTARY INFORMATION:** Sites given a NFRAP designation will now be placed in a separate archived data base. This document reflects these decisions by instituting formal changes to the part of EPA's regulations known as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. Specifically, EPA is changing the definition of CERCLIS, found at 40 CFR 300.5, to provide that NFRAP sites will be placed in a separate archived data base that will also be available to the public.

This amendment to the CERCLIS definition also reflects the possibility that, in the future, EPA may consider archiving other categories of sites from CERCLIS at which the Agency's Superfund program has no further involvement.

Since these changes are matters relating to internal Agency management, there is no requirement for public notice and opportunity to comment.

The NCP describes CERCLIS and NFRAP in its "Definitions" section, 40 CFR 300.5. CERCLIS contains the official inventory of potential CERCLA sites and supports EPA's site planning